

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY GENEREUX,  
Plaintiff,

v.

COLUMBIA SUSSEX CORPORATION,  
STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC., and WESTIN  
HOTEL MANAGEMENT, L.P.  
Defendants.

C.A. NO. 05-CV-10879-JLT

**DEFENDANTS' MOTION TO BIFURCATE TRIAL**

Defendants move in limine pursuant to Rule 42(b) of the Federal Rules of Civil Procedure that the issues of liability and damages in this case be tried separately, with liability tried first, followed by damages if needed. Such a separation has the potential to expedite this case and to achieve judicial economy, while at the same time avoiding any unfair prejudice to the defendants which might occur should the jury, after hearing the entire case including evidence of the plaintiff's injuries, allow sympathy for the plaintiff to effect its decision on liability.

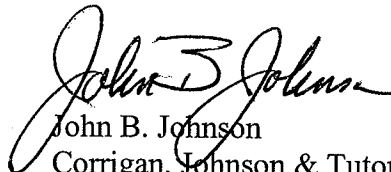
In support of this motion, the defendants submit that the plaintiff's claim of liability in this case is very tenuous, particularly in view of the apparent absence of evidence showing that the attack on the plaintiff was reasonably foreseeable to any of the defendants. Arguments on this point have previously been presented in the defendants' summary judgment motion, which this Court has denied without prejudice to re-raising at the conclusion of plaintiff's direct case. Plaintiff's list of 13 trial witnesses includes only four whose testimony would go to the issue of liability. Defendants have also submitted

a motion in limine to preclude the testimony of plaintiff's purported security expert, Robert McCrie, who is one of Plaintiff's four witnesses.

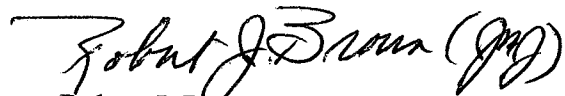
By trying liability first, the Court will avoid any sympathetic verdict for the plaintiff, while also potentially saving the Court and the parties significant time and expense should the Court find the plaintiff not to have met her burden of proof or the jury return a verdict finding no liability on the defendants.

If the jury returns a verdict finding liability on the part of one or more of the defendants, then the plaintiff will be able to call the remaining nine witnesses on her list, all of whom will testify exclusively on the issue of damages.

The defendants  
by their attorneys,



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